

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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INTERNAL COMBUSTION SOLUTIONS LLC,

Plaintiff,

v.

YOSHIMURA RESEARCH AND  
DEVELOPMENT OF AMERICA, INC.,

Defendant.

Case No.

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Internal Combustion Solutions LLC ("ICS") demands a jury trial and complains  
against the defendant Yoshimura Research and Development of America, Inc. ("Defendant"):

**THE PARTIES**

1. Internal Combustion Solutions is a limited liability company organized and existing  
under the laws of the State of New Jersey, having a place of business at 208 West State Street,  
Trenton, New Jersey 08608.

2. Upon information and belief, Defendant is a corporation organized and existing  
under the laws of the State of California, conducting business in this judicial district.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is doing business and committing infringements in this judicial district and is subject to personal jurisdiction in this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

**CLAIM FOR PATENT INFRINGEMENT**

6. ICS repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 5 above.

7. On May 6, 2003, U.S. Patent No. 6,560,528 (hereinafter referred to as ‘the ‘528 patent’) was duly and legally issued to Ronald D. Gitlin, Darren O’Connor and Randy A. Gietzen for an invention entitled ‘Programmable Internal Combustion Engine Controller’. The ‘528 patent was assigned to Internal Combustion Technologies, Inc. which granted a worldwide exclusive license to ICS to enforce the ‘528 patent. A copy of the ‘528 patent is attached to this Complaint as Exhibit 1.

8. ICS is the owner of all right, title and interest in and to the ‘528 patent.

**COUNT ONE**

9. Plaintiff repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 8 above.

10. Defendant has and still is infringing, actively inducing the infringement of and contributorily infringing in this judicial district, the ‘528 patent by, among other things, making, using, offering to sell, selling and/or importing a programmable device, including but not limited to its EM Pro, MX Tuner and PIM2 & D.A.T.A. Box products, that enable a user to control an internal combustion engine pursuant to a claim of the ‘528 patent without permission from ICS and will continue to do so unless enjoined by this Court.

11. ICS has been damaged by such infringing activities by the Defendant of the '528 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff ICS prays for judgment against Defendant on all the counts and for the following relief:

A. Declaration that ICS is the owner of the '528 patent, and that the Plaintiff has the right to sue and to recover for infringement thereof;

B. Declaration that the Defendant has infringed, actively induced infringement of, and contributorily infringed the '528 patent;

C. A preliminary and permanent injunction against the Defendant, its officers, agents, servants, employees, and attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons acting in active concert or participation with them, including distributors and customers, enjoining them from continuing acts of infringement, active inducement of infringement, and contributory infringement of ICS's '528 patent;

D. An accounting for damages under 35 U.S.C. §284 for infringement of the ICS's '528 patent by the Defendant and the award of damages so ascertained to the ICS, together with interest as provided by law;

E. Award of reasonable attorney's fees to the ICS pursuant to 35 U.S.C. §285;

F. Award of ICS's costs and expenses; and

G. Such other and further relief as this Court may deem proper, just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff ICS demands a trial by jury of all issues properly triable by jury in this action.

By: /s/Jean-Marc Zimmerman

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Dated: April 30, 2013  
Westfield, NJ